

8. Proposed Public Path Extinguishment Order – National Cycle Network Route 33 North of Peasmarsh Farm to Donyatt - Review

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Purpose of the Report

To review the previous resolutions 1 and 2 made at the Committee's meeting of 17th October 2007 in response to informal consultation from Somerset County Council (SCC) on the extinguishment of public footpaths and the possible creation of public bridleways to accommodate the Peasmarsh to Ilminster section of the National Cycle Network (Route 33) following a revised scheme from SCC.

Recommendations

- (1) that South Somerset District Council withdraws its objection to the proposed extinguishments, i.e. to reduce the width of existing public footpaths CH11/UN and CH14/UN;
- (2) that Somerset County Council be requested to dedicate bridleway rights on the former railway line C-G and section G-H at Ilminster;
- (3) that Somerset County Council accommodate public access between points W and Z as a permissive route for the former road area which is not recorded as a public right of way;
- (4) that Somerset County Council be requested to dedicate bridleway rights on the former road sections A-C and W-Z.

Background

On 17th October 2007, Area West Committee considered a report on the National Cycle Route 33 north of Parsonage Farm to Donyatt.

At that meeting it was:

- “RESOLVED:**
- (1) that South Somerset District Council objects to the proposed extinguishments, i.e. to reduce the width of existing public footpaths CH11/UN and CH14/UN;
 - (2) that Somerset County Council be requested to dedicate bridleway rights on the entire route in their control from Peasmarsh to Ilminster and remove inappropriate furniture;
 - (3) that a site meeting be arranged between the appropriate County and District Councillors, officers of the relevant departments of the County Council and District Council, together with a representative of the Parish Council, to discuss the best way of bringing this matter to a satisfactory conclusion;

- (4) that Somerset County Council be informed of the need for resurfacing of parts of Peasmarsh Farm Lane so that a reasonable surface is provided for cyclists;
- (5) that officers produce internal guidance notes for implementation of recreational routes to support existing policies;
- (6) that the District Rights of Way Officer submit a further report updating members on the progress of these matters.

Reason: To respond to informal consultation from Somerset County Council on the extinguishment of public footpaths and the possible creation of public bridleways to accommodate the Peasmarsh to Ilminster section of the National Cycle Network (Route 33).

(Resolution passed without dissent)"

Since the meeting the following progress has been made:-

Resolution 4: SCC Highways were advised accordingly

Resolution 5: Various meetings have taken place in the past year with SCC and SSSC Development Control and Transport Officers, Portfolio Holders and Councillors to increase liaison on cycle route provision.

Resolution 3: The site meeting took place on 4th June 2008 where a number of matters were raised. SCC have now reviewed their position and following a further meeting at County Hall on 12th November 2008, have produced a summary and explanation of their current position which is attached at Appendix A (pages 17-19) together with two supporting maps, attached as Appendices B (page 20) and C (page 21).

Photographs referred to on the map at Appendix B will be displayed at the meeting.

Resolution 6: The revised position of SCC relating to the former road sections (currently public footpaths) lengths Z-W and A-C

The cattle grids, pedestrian and field gates are to be removed from points Y and W. The gates will be removed at point D. The existing bollards at Stoneham Bay Bridge (point A) will be moved to the west of the bridge (point D). The bunds at A will also be removed. A more aesthetically pleasing restrictive measure will be put in place at W and Z (instead of Y).

The hedgerows will be protected.

The legal width will be reduced to 3.5m for W-Z and A-B, widening to 4m at C.

On the former railway line north of points C-G

The existing gates will be widened to 1.52m (five feet) although the cattle grids for cyclists will remain.

The continuing link from G-H is to be a bridleway under a S106 planning agreement.

Comments: The reduction in the legal width for section Z-W could mean that the public will not be able to use the current available area of the former road. SCC wish to have options such as bunding or narrowing if necessary on the areas to be extinguished as a footpath.

The usual way to accommodate public access but still retain control of the land is for a sign to be erected at each end of the route (eg W and Z) stating that the area is a permissive route and that people use it at their own risk.

Such notices should already be displayed at each end of the former railway line to protect SCC and Sustrans against claims as these routes are already permissive paths. Under payment from DEFRA for 10 years from September 2003 through the Countryside Stewardship Scheme Sustrans ensure that the route is permissive and people use it at their own risk (see Appendix D at page 22).

Although SCC could make an Order to reduce the width of the footpaths they could not guarantee that the Order would be confirmed. The dedication of bridleway rights along the former railway line and route to Ilminster (C-M-H) should be sought independently of any changes to the sections Z-W and A-C.

Financial Implications

None.

Implications for Corporate Priorities

- Improve the health and well-being of our citizens
- Promote a balanced natural and built environment
- Increase economic vitality and prosperity

Background Papers: *Cycle routes working file - ROWLAG 1994-2000.*
